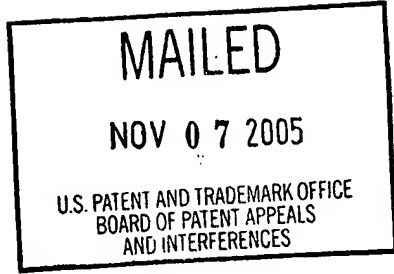


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TAKAYUKI SUZUKI, MAKOTO TOMIOKA,
YUMI IKEDA, AKIRA HASEGAWA,
MITSUJIRO KONNO and SHINYA MATSUMOTO

Application 10/059,145

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences (BPAI) on August 12, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants appropriately filed an Appeal Brief on February 22, 2005 (Supplemental Brief filed June 3, 2005) under 37 CFR § 41.37(c)¹. The Examiner mailed an Examiner Answer in response to the brief on April 7, 2005. A review of the answer indicate that the answer does not comply with the headings as set forth under 37 CFR § 41.37 (c). Correction is required.

¹At the request of the BPAI, Appellants' attorney faxed in a supplemental sheet to the brief with appendix headings (ix) Evidence Appendix and (x) Related Proceedings Appendix (no information involved) for completeness and the sheet has been sent to be scanned into the electronic file of the application.

Application No. 10/059,145

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to vacate the Examiner's Answer mailed April 7, 2005, and issue a revised Examiner's Answer in accordance with the new rules effective September 13, 2004;
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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